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REMARKS

Claims 1-18 are pending, and new claims 19-20 have been added. Claims 1, 2, 8-10, 12-15 have been amended. Reconsideration of the application is respectfully requested.

Claims 1-18 were rejected under 35 U.S.C. 112, first paragraph, because the phrase “at least one server that automatically forms at least one virtual group” was added to claims 1 and 8. The Examiner takes the position that there is no support in the application as originally submitted for this limitation.

The application as originally submitted provided that:

If a group of purchasers desires to purchase lottery tickets in bulk, a virtual group is created therefore at a server which includes corresponding information with respect to the group of purchasers (group information) and the purchasing of the lottery tickets (lottery information). (page 5, lines 5-8)

...

FIG. 3 is a flow diagram that illustrates the setup of an exemplary virtual group 21 created at the server 101 for purchasing lottery tickets for a group of people according to the invention. (page 6, lines 18-20)

...

In step 307, the virtual group 21 is created at the server 101 according to the information gathered for storage in steps 301, 302, 303, 304, 305 and 306 which correspond to the group of purchasers of lottery tickets. (page 8, lines 7-10)

Since the group is created at the server, and there is no disclosure of a person at the server to form the group or the purchaser forming the group from the computer, it is clear that the group formation is automatic at the server. One of ordinary skill in the art would appreciate that

purchase of lottery tickets, it does not permit “purchasers to purchase lottery tickets over the Internet.” At most, the Walker ‘272 patent discloses that the lottery system itself may use the Internet, not the purchaser (Col. 4, lines 44-51). Since the Walker ‘782 patent relates to group play in a casino on slot machines in order to get customers into the casino, and Walker ‘272 relates to a single person purchasing a lottery ticket at a lottery machine based on some event in the future, there is no motivation to combine the references. The Examiner asserts that both references discuss a network system for playing a lottery, but they are very different. One plays a lottery machine and the other provides a system for buying a state lottery ticket. Further, even if these references are combined, they would not yield the invention defined by the present claims. The Examiner asserts that it would have been obvious to modify the Walker ‘782 system to include automated rule based lottery purchases as in Walker ‘272. However, that is not the present invention, i.e., the group purchase of lottery tickets over the Internet. Therefore the rejection based on these references is due to hindsight from reading the present application and not due to the disclosures of the references.

As noted by the Examiner, the Walker ‘549 patent discloses a database online distributed tournament system that manages all aspect of group play and participation. The games played in the Walker ‘549 system are typically competitive games. While games of chance are mentioned, there is no mention of group lottery purchases. Citing Column 7, lines 47-56, the Examiner goes on to state that Walker ‘549 teaches that the central controller will automatically create player groups that are based on predefined, player-entered information. However, that portion of the ‘549 patent states that:

Continuity between tournaments is improved by storing player preferences. Once a player’s preference for method of prize payment is

associated with the location of the subscriber. When the subscriber is routed to a website providing lottery games, the ISP generates caller identification (ID) information to an agent to verify that the call meets state criteria for playing its lottery, e.g., that the call originates in the state.

This Yacenda reference differs from the present invention in the same way as the Walker '782 and the Walker 549 patents. In particular, it relates to a lottery machine, or a state run on-line lottery service, not the purchase of state lottery tickets. Further, no provision is made in Yacenda for players to play the lottery as a group.

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. Claim 2 depends from claim 1 and further requires that the group information include biographical information and at least one of the number of purchasers, e-mail address as well as telephone, fax and cell numbers. This is not disclosed in the references.

Amended independent method claim 8 corresponds to amended independent system claim 1, and hence, is also patentable over the cited references for the same reasons set forth above with respect to the corresponding system claim. Claims 3-7 also depend from independent claim 1, claims 9-17 depend from independent claim 8. Thus, those dependent claims are patentable over the cited references for at least the same reasons as provided above for independent claims 1 and 8. Therefore, applicant submits that the claims of the present application are patentable over the cited references.

